

Notice of Allowability

Application No.

10/669,800

Examiner

Katherine W. Mitchell

Applicant(s)

KATO

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/18/2005.
2. ☒ The allowed claim(s) is/are 2-7.
3. ☒ The drawings filed on 25 September 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 9/25/2003
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date with this action.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other 7 and 8 are same doc.

EXAMINER'S AMENDMENT

1. Examiner notes that the IFW file does not seem to include the initialed copy of the 9/25/2003 IDS which was considered previously. To prevent any uncertainty, examiner is initialing this and sending it with this action to applicant so it will definitely be of record in the case.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
3. Authorization for this examiner's amendment was given in a telephone interview with Nelson Shapiro on June 20, 2005.
4. The application has been amended as follows:

In the Claims:

Claim 4, lines 4-6, from "except where...from the flange." have been deleted in their entirety and replaced with --for insertion of a tool for separating the pin head from the flange, said gap being covered where the stop plate portions are located.--

5. The following is an examiner's statement of **reasons for allowance**:

Ueno USP 5846040 is the closest prior art, and was used in the previous rejections. However, while Ueno teaches a clip with a pin, bushing, and water-tight seal, Ueno teaches that the seal between the pin/male member and the bushing/female member is prevented from overcompression by a small stop 12d which is not observable when the clip is being inserted or when the clip is completely inserted.

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Ueno's stop 12d, in combination with an angled recess at the throughhole edge at the shaft of bushing flange 21 forms a compression limiting means. However, applicant's invention, in addition to being a structure different than that of Ueno, has resultant properties such that examiner cannot state that they are engineering equivalents, as the plate stops projecting laterally outward from the circular plate portions on the pin head of the claimed invention, in combination with the raised outer wall at the outer periphery of the bushing flange, with the pin head smaller than this outer periphery, results in a gap that can be separated by a tool so the pin can be removed, but also results in the user being able to clearly identify that the seal is in place between the bushing flange and the pin head, and that the seal was not improperly inserted off-center, pinched, or otherwise misplaced or missing, and that the stop is clearly in place and working.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine W. Mitchell whose telephone number is 571-272-7069. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Katherine W Mitchell
Examiner
Art Unit 3677

Kwm
6/20/2005

A handwritten signature in black ink, appearing to read "Katherine W Mitchell", written in a cursive style.